

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the drawings as originally filed, for example, in FIGS. 3, 5, 6A, 6B, 8, and 11A-12B, and in the specification as originally filed, for example, on page 12, line 15 through page 13, line 18, page 26, line 1-28, and page 31, lines 12-25. As such, no new matter has been introduced.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 83, 85, 86, 88-90, 92-94, and 96-103 under 35 U.S.C. §103(a) as being unpatentable over LaPointe et al. (U.S. Patent No. 6,678,669; hereinafter LaPointe) in view of Portwood et al. (U.S. Patent No. 5,959,630; hereinafter Portwood) and Altman et al. (U.S. Patent No. 5,572,421; hereinafter Altman) has been obviated by amendment and should be withdrawn.

LaPointe concerns method for selecting medical and biochemical diagnostic tests using neural network-related applications (Title of LaPointe). Portwood concerns a system and method for improving compliance of a medical regimen (Title of

Portwood). Altman concerns a portable medical questionnaire presentation device (Title of Altman).

In contrast, claim 83 of the presently claimed invention provides a method for generating groups of individuals useful in researching influence of a disease on said individuals, comprising (i) transmitting a computer program containing queries and predefined response choices to the communications apparatus, where the computer program when executed causes the communications apparatus to present the queries and predefined response choices to each individual via a display of the communications apparatus and collect responses to the queries, including at least one of the predefined response choices presented on the display, from each individual via user input buttons of the communications apparatus and (ii) receiving the responses to the queries from the individuals through the apparatus, where the responses communicate information about the individuals. Claims 90 and 94 include limitations similar to the limitations recited in claim 83. The combination of LaPointe, Portwood, and Altman does not teach or suggest each and every element of the presently claimed invention, as required for support of a conclusion of obviousness under MPEP §2143.

Specifically, the Office Action states:

LaPointe does not describe either (i) transmitting a computer program containing queries and predefined response choices to a communications apparatus, wherein the program

causes the apparatus to present queries and predefined response choices and collect responses to said queries (instant claim 83), a server transmitting a computer program containing queries and predefined response choices to a communications apparatus, the program causing the apparatus to present queries to the individual and collect responses (instant claims 90 and 94).

See page 5, line 20 through page 6, line 4 of the Office Action).

The Office Action further states:

Portwood et al. do not describe predefined response choices.

See page 6, lines 15-16 of the Office Action.

The Office Action relies on Altman to cure the deficiencies of LaPointe and Portwood. However, Altman does not disclose either (i) transmitting a computer program containing queries and predefined response choices to a communications apparatus, wherein the program causes the communications apparatus to present the queries and predefined response choices via a display of the communications apparatus and collect responses to the queries, including at least one of the predefined response choices presented on the display of the communications apparatus, or (ii) a server transmitting a computer program containing queries and predefined response choices to a communications apparatus, where the computer program causes the communications apparatus to present the queries and predefined response choices to the individual via a display of the communications apparatus and collect responses to the queries containing information about the

individual and at least one of the predefined response choices presented on the display of the communications apparatus, as presently claimed.

In particular, Altman describes a handheld battery powered medical questionnaire presentation device that has a limited number of keys by which a patient can enter answers. The keys themselves have the answers printed thereon. Specifically, the keys are labeled YES, NO, N.S. (for not sure), and Next Question. The device does not receive a computer program containing both queries and predefined response choices, as presently claimed. Rather, Altman describes a device which presents queries to a user and then the user presses a button having a fixed answer printed thereon to respond to the question. Altman states that it is a preferred embodiment of the device that no more than four keys are used by the patient and that the keys are labeled YES, NO, Not Sure and Go To Next Questions (see column 4, lines 26-41 of Altman). Altman fails to provide the flexibility provided by the presently claimed invention.

Furthermore, a person of ordinary skill in the field of the invention would not consider buttons having fixed answers painted thereon to be the same as a computer program containing both queries and predefined response choices where the program when executed causes a communications apparatus to present the questions and the predefined response choices to an individual via a display

of the communications apparatus, as presently claimed. Thus, the combination of Lapointe, Portwood and Altman is still missing a teaching or suggestion of either (a) transmitting a computer program containing queries and predefined response choices to a communications apparatus, where the program when executed by the communications apparatus, causes the communications apparatus to (i) present the queries and predefined response choices to the individual via a display of the communications apparatus and (ii) collect responses to the queries including at least one of the predetermined response choices presented on the display of the communications apparatus, or (b) a server transmitting a computer program containing queries and predefined response choices to a communications apparatus, where the program causes the communications apparatus to present the queries and predefined response choices to the individual via a display of the communications apparatus and collect responses to the queries containing information about the individual and at least one of the predetermined response choices presented on the display of the communications apparatus, as presently claimed. Therefore, the combination of LaPointe, Portwood and Altman does not teach or suggest each and every element of the presently claimed invention, as required for support of a conclusion of obviousness under MPEP §2143. As such, the presently claimed invention is fully

patentable over the cited reference and the rejection should be withdrawn.

Claims 85, 86, 88, 89, 92, 93, 96-103 depend, directly or indirectly, from either claim 83, 90, or 94 which are believed to be allowable. As such, the presently claimed invention is fully patentable over the cited reference and the rejection should be withdrawn.

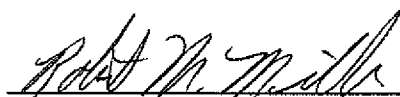
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 50-0541.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.



Robert M. Miller
Registration No. 42,892
Phone No. (586) 498-0670

Dated: April 25, 2011

c/o Health Hero Network
Docket No.: 00-0220 / 7553.00030